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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 CAREY F. DALY,)
12 Plaintiff(s),) No. C08-4398 PJH (BZ)
13 v.)
14 PEARL SPIRITS, INC., et al.,) **REPORT AND RECOMMENDATION TO**
15 Defendant(s).) **DENY PLAINTIFF'S MOTION TO**
16 _____) **REVIEW TAXATION OF COSTS**

17 Judge Hamilton referred Plaintiff Daly's ("plaintiff")
18 Motion to Review Taxation of Costs to me.

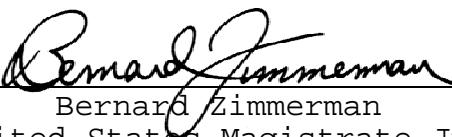
19 Plaintiff has not shown that he lodged objections to
20 defendants' bill of costs within 14 days or attempted to meet
21 and confer as required by Local Rule 54-2. A review of the
22 Clerk's Taxation of Costs does not reveal any unreasonable
23 costs, with the exception of three \$25 rush charges.

24 Plaintiff has not sought relief from his failure to
25 object. Had it been sought and granted, I would have
26 recommended that the \$75 in rush charges be deducted from the
27 \$6,708.08 in taxed costs, for a new total of \$6,633.08.
28 Defendants argue that the rush charge on September 28, 2009

1 "occurred due to Defendants' effort to obtain [] additional
2 evidence before the deadline for filing the ultimately
3 successful motion for summary judgment." Doc. No. 74 at 2,
4 Opposition. This is unpersuasive given that the charge was
5 incurred over two weeks in advance of filing the motion for
6 summary judgment. Defendants did not respond to plaintiff's
7 contention that the two other rush charges, both incurred on
8 September 28, 2008, were unreasonable, failing to justify
9 them.

10 For the foregoing reasons, I recommend that plaintiff's
11 Motion be **DENIED**.

12 Dated: March 23, 2010

13 
14 Bernard Zimmerman
15 United States Magistrate Judge

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